REMARKS

This Application has been carefully reviewed in light of the Office Action mailed June 17, 2005. In the Office Action, all of pending Claims 1, 4-9, 11, 14, 16-19, 21-22, 26-29, 31, 34-38, 40-43, and 46-58 are rejected. Applicants respectfully requests reconsideration and favorable action in this case.

Rejections Under §103

The Examiner rejects Claims 1, 4-7, 9, 11, 14, 16-19, 21-22, 26-29, 31, 34-38, 40-43, and 46-58 under 35 U.S.C. §103(a) as being obvious over various combinations of U.S. Patent 6,259,701 issued to Shur et al. ("*Shur*") and U.S. Patent 6,678,279 issued to Meredith et al. ("*Meredith*") with U.S. Patent No. 5,963,547 issued to O'Neil et al. ("*O'Neil*") and U.S. Patent No. 6,020,916 issued to Gerszberg et al. ("*Gerszberg*").

To defeat a patent under 35 U.S.C. § 103, "the prior art references must teach or suggest all the claim limitations." *In re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991); M.P.E.P. § 706.02(j). Applicants respectfully submit that the proposed combinations of references do not disclose, teach, or suggest each and every element recited in Applicants' claims.

For example, Claim 1 of the present application recites the following:

> A method for enabling a multicast telecommunication session, comprising:
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> receiving a call initiation request indicating a desire to create a communication link between a multicast telephony device and a unicast telephony device;
>
> determining that the unicast telephony device is incapable of receiving multicast media streaming;
>
> generating a virtual multicast intermediary in response to determining that the unicast telephony device is incapable of receiving multicast media streaming;
>
> receiving multicast media streaming sent to a multicast group address from a plurality of multicast telephony devices at the virtual multicast intermediary;

> sorting, at the virtual multicast intermediary, the multicast media streaming sent to the multicast group address from the plurality of multicast telephony devices into individual streams based on the telephony devices that originated each stream;
>
> communicating, from the virtual multicast intermediary, the sorted media streaming to a unicast telephony device to enable the unicast telephony device to participate in a multicast telecommunication session; and
>
> indicating to the unicast telephony device that the individual media streams of the sorted media streaming originated from different multicast telephony devices.

Thus, Claim 1 recites: 1) sorting, at the virtual multicast intermediary, the multicast media streaming sent to the multicast group address from the plurality of multicast telephony devices into individual streams based on the telephony devices that originated each stream and 2) communicating, from the virtual multicast intermediary, the sorted media streaming to a unicast telephony device to enable the unicast telephony device to participate in a multicast telecommunication session. Claims 11, 21, 31, and 40 recite similar, although not identical, limitations.

With respect to *Shur*, the Examiner acknowledges that *Shur* does not disclose the first enumerated limitation. (Office Action, page 3). However, the Examiner goes on to state that "the act of 'translat(ing) the Multicast address of packets received from the joined group to the Unicast address of the joining client' (col 4, lines 39+) is very close to 'sorting' the multicast streaming, as is defined by Applicants on pages 25-26 of the specification." (Office Action, page 3). Applicants respectfully disagree. The portion of the reference quoted by the Examiner merely refers to the address translation that is performed during the transmission of multicast streaming. For example, *Shur* also discloses:

> All packets then received by the server from the Unicast client are address-translated to the appropriate Multicast session address. In addition, all packets received by the server on the Multicast session address are address-translated and sent to the Unicast client.

(Abstract). Accordingly, packets from a Unicast client are re-addressed to include the Multicast session address, and packets from the Multicast session address are re-addressed to include the Unicast client address. This "act of translation" is not the equivalent or even close

to the step of "sorting . . . the multicast media streaming . . . into individual streams" that is recited in Applicants' Claim 1.

In the Office Action, the Examiner specifically relies on *Meredith* for disclosure of Applicants' step of "sorting, at the virtual multicast intermediary, the multicast media streaming sent to the multicast group address from the plurality of multicast telephony devices into individual streams based on the telephony devices that originated each stream," as recited in Claim 1. (Office Action, page 4). Applicants respectfully submit, however, that *Meredith* does not make up for the above-identified deficiencies of *Shur*. To the contrary, *Meredith* merely relates to "a packet switch buffer for unicast and multicast data." (Abstract). As disclosed in *Meredith*, "[i]ncoming data packets are first stored in an input buffer memory where they "are examined to determine where in a primary output memory to place the data packets." (Abstract). "The data packets are then transferred from the input buffer memory to the primary output memory." (Abstract). "Afterward, the data packets are transferred from the primary output memory to a secondary output memory, and then from the secondary output memory to line card interface units (LCIUs)." (Abstract).

More specifically, *Meredith* discloses that "data buses . . . supply data to input queues . . . in the form of data packets." (Column 2, lines 58-60). "Each data packet contains an output destination parameter and a priority parameter." (Column 2, lines 60-62). "The output destination and priority parameters dictate where the data packet will be placed in output buffer memory." (Column 2, lines 64-67). To "facilitate the transfer of data packets from input queues . . . to output memory blocks," the packet switch system 100 includes a sorter 108. (Column 2, lines 37-43). "Sorter 108 examines the output destination and priority parameters contained in each data packet to determine where in output buffer memory 110 to place the data packet." (Column 2, line 67 through Column 3, line 3). Because *Meredith* merely discloses that the sorter considers the **output destination** and priority parameters in the incoming packets, the "sorting" performed by the packet switch system of *Meredith* cannot properly be said to be the equivalent of the step of "sorting . . . based on the telephony devices that originated each stream" that is recited in Applicants' Claim 1. In fact, by disclosing that data packets are sorted based on the **output destination** specified in the data packets, Applicants

respectfully submit that *Meredith* actually teaches away from the features and operations of Applicants' Claim 1.

The portions of the *Meredith* reference that relates to line card interface units (LCIUs) (Column 3, lines 36+ and Column 4, lines 55+) also disclose grouping the data packets based on either a priority parameter or an output destination. For example, *Meredith* discloses, with respect to unicast packets (which Applicants submit are not the equivalent of Applicants' "multicast streaming"), that the "unicast data packets in [output buffer memories (OMB)] will be transferred to unicast output FIFOs . . . , which are located in output FIFO memory 130." (Column 3, lines 36-39). "These unicast data packets will eventually be unloaded from unicast output FIFOs . . . and forwarded to line card interface units." (Column 3, lines 39-45). To determine the order in which packets will be forwarded, output queues in output memory blocks are divided into queue sections "according to data packet priority." "High-priority (HP) queue sections . . . are configured to store high-priority data packets; and low-priority (LP) queue sections . . . are configured to store low-priority packets." (Column 3, line 66 through Column 4, line 2). Accordingly, to the extent that any sorting is occurring with respect to the unicast packets handled by the sorter of *Meredith*, the unicast packets are sorted according to priority and not "based on the telephony devices that originated each stream," as recited in Applicants' Claim 1.

With respect to multicast packets, *Meredith* discloses that "each multicast data packet is destined for a group of output destinations." (Column 4, lines 50-52). Each multicast output FIFO is "configured to store multicast data packets that include a corresponding line card in the group of output destinations for which the multicast packets are destined. " (Column 4, lines 52-56). "Accordingly, MOF_1 134_1 stores multicast data packets that include LC_1 as an output destination; MOF_2 134_2 stores multicast data packets that include LC_2 as an output destination; and MOF_n 134_n stores multicast data packets destined that include LC_n as an output destination." Thus, to the extent that any sorting is occurring with respect to the multicast packets handled by the *Meredith* sorter, the multicast packets are sorted according to output destination and not "based on the telephony devices that originated each stream," as recited in Applicants' Claim 1.

For at least these reasons, Applicants respectfully submit that the *Shur-Meredith* combination does not disclose, teach, or suggest "sorting, at the virtual multicast intermediary, the multicast media streaming sent to the multicast group address from the plurality of multicast telephony devices into individual streams based on the telephony devices that originated each stream," as recited in Claim 1, and similarly, though not identically, recited in Claims 11, 21, 31, and 40.

As another example, Applicants respectfully submit that the proposed *Shur-Meredith* combination not disclose, teach, or suggest "communicating, from the virtual multicast intermediary, the sorted media streaming to a unicast telephony device to enable the unicast telephony device to participate in a multicast telecommunication session," as recited in Claim 1, and similarly, though not identically, recited in Claims 11, 21, 31, and 40. In the Office Action, the Examiner again acknowledges, and Applicants agree, that *Shur* does not disclose, teach, or suggest the "sorting" step discussed above.[1] (Office Action, page 3). Nevertheless, the Examiner continues to rely on *Shur* for disclosure of "communicating . . . the sorted media streaming." (Office Action, pages 3-4). In the Response to Office Action mailed on March 23, 2005 (the "Previous Response"), Applicants posed the question: How could *Shur* possibly disclose a "communicating, from the virtual multicast intermediary, the sorted media streaming" since *Shur* fails to even disclose "sorting, at the virtual multicast intermediary, the multicast media streaming," as recited in Claim 1? In light of the new grounds of rejection, the Examiner has not commented on Applicants' arguments in the Previous Response. Because Applicants continue to believe that the arguments in the Previous Response continue to have merit, however, Applicants reiterate those arguments here. Specifically, Applicants submit that the inconsistency of the rejection (even with this new combination of references) seems to illustrate that the Examiner has merely pieced together disjointed portions of unrelated references to reconstruct Applicants' claims.

For at least these reasons, Applicants believe that Claims 1, 11, 21, 31, 40, and 43 are allowable over the cited references. Therefore, Applicants respectfully request reconsideration and allowance of Claims 1, 11, 21, 31, 40, and 43, and all claims that depend from those claims.

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[1] Applicants provided arguments above as to why the address translation disclosed in *Shur* is not the equivalent of or even close to Applicants' "sorting" step.

CONCLUSION

Applicants have made an earnest attempt to place this application in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request reconsideration and full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this application in any manner, the Examiner is invited to contact Jenni R. Moen, Attorney for Applicants, at the Examiner's convenience at (214) 953-6809.

Applicants believe that no fees are due, however, the Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts, L.L.P.

Respectfully submitted,

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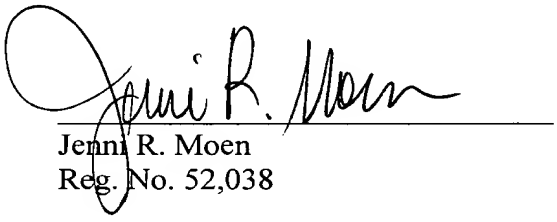

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